

In re) Fair Hearing No. 16,849
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Appeal of)

The petitioner appeals a decision by the Department of PATH terminating her eligibility for VHAP. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with her two minor children.¹ She is employed, and in December 2000 she reported an increase in her income to the Department, which brought her earnings, before taxes, to \$2,408 a month. She also reported the receipt of child support of \$119 a month.

¹ The petitioner's children receive medical coverage through the Dr. Dynasaur program.

3. At a hearing held on February 6, 2001 the petitioner did not contest these figures, but stated that she has chronic health problems and is incurring high monthly pharmaceutical expenses. She disagrees with the Department's use of gross pay and with the fact that she is not allowed any deduction from her income for her ongoing medical expenses.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations count gross earned income in determining eligibility subject only to specific deductions found in the regulations. W.A.M. § 4001.81. Under the VHAP program, gross earned income from wages is subjected to a \$90 disregard before eligibility is determined. W.A.M. § 4001.81(e). Remaining income is compared with the VHAP maximum, which is 150% of the poverty line. W.A.M. § 4001.84. The current maximum for a three-person household under VHAP is \$1,769. P-2420(B)(6). Unfortunately, there are no provisions in the regulations for deductions for out-of-pocket medical expenses.

Because the petitioner's household's net income is in excess of the program maximum she cannot be found eligible for VHAP. As the Department's determination to this effect was

consistent with its regulations, the Board must uphold it. 3
V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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